

**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

<b>UNITED STATES OF AMERICA,</b>	:	
<i>Appellant</i>	:	<b>Nos. 22-3038</b>
	:	<b>22-3039</b>
v.	:	<b>22-3041</b>
	:	
<b>JOSEPH W. FISCHER,</b>	:	
<b>EDWARD LANG, and</b>	:	
<b>GARRET MILLER</b>	:	
<i>Appellee</i>	:	

**UNOPPOSED MOTION TO FILE  
SUPPLEMENTAL APPENDIX**

Appellees, Joseph W. Fischer, Edward Lang, and Garret Miller,  
through undersigned counsel, respectfully move this Court for  
permission to file a supplemental appendix based on the following:

1. On March 15, 2022, the district court entered an order, granting defense motion to dismiss count 3 of Joseph W. Fischer’s indictment. And on May 30, 2022, the district court denied the government’s motion for reconsideration. This appeal followed.
2. The Brief for Appellant in this matter was filed on August 8, 2022, and, following an extension request, this Court set a deadline of September 14, 2022 for filing the Brief for Appellees.
3. On May 3, 2022, the district court conducted an in-person oral argument concerning the government’s motion for reconsideration, and

the transcript of that argument was inadvertently not included with Appellant's filing of the Appendix.

4. Appellees believe it is necessary to include the oral argument transcript because it addresses one of the issues on appeal, that is, the propriety of the district court's dismissal of the obstruction of justice count.

5. Counsel for Appellant and counsel for Appellees Edward Jacob Lang and Garret Miller concur in this request.

For these reasons, Appellees respectfully request that this Court grant their motion for permission to file a supplemental appendix.

Respectfully submitted,

Date: September 14, 2022

/s/ Frederick W. Ulrich  
FREDERICK W. ULRICH, ESQ.  
Asst. Federal Public Defender  
Attorney ID# PA44855  
100 Chestnut Street, Suite 306  
Harrisburg, PA 17101  
Tel. No. 717-782-2237  
Fax No. 717-782-3881  
*fritz\_ulrich@fd.org*  
*Counsel for Appellee*

**CERTIFICATE OF PARTIES**

I hereby certify, pursuant to Fed. R. App. P. 32(g) and Fed. R. App. P. 27(d)(2)(A), that the foregoing Unopposed Motion to File Supplemental Appendix was prepared in Century Schoolbook 14-point font and contains 419 words.

/s/ Frederick W. Ulrich

FREDERICK W. ULRICH, ESQ.

Asst. Federal Public Defender

Date: September 14, 2022

**CERTIFICATE OF SERVICE**

I hereby certify that I filed the foregoing Unopposed Motion to File Supplemental Appendix with the Clerk of the Court for the United States Court of Appeals for the D.C. Circuit by using the appellate CM/ECF system on September 14, 2022, James I. Pearce, U.S. Department of Justice, counsel for appellant, [james.pearce@usdoj.gov](mailto:james.pearce@usdoj.gov), who is a registered CM/ECF user, will be served by the appellate CM/ECF system. Counsel for Appellee Garret Miller, Nicholas D. Smith, [nds@davidbsmithpllc.com](mailto:nds@davidbsmithpllc.com), who is a registered CM/ECF user, will be served by the appellate CM/ECF system. Counsel for Appellee Edward J. Lang, Steven A. Metcalf, II, will be served by placing a copy in the United States mail, first class in Harrisburg, Pennsylvania.

/s/ Frederick W. Ulrich  
FREDERICK W. ULRICH  
Asst. Federal Public Defender